

REMARKS

Claims 1, 3 through 5, 7, 8 and 10 are pending in this Application, of which claims 7, 8 and 10 stand withdrawn from consideration pursuant to the provisions of 37 C.F.R. § 1.142(b).

Accordingly, claims 1 and 3 through 5 are active.

Claims 1 and 3 through 5 have been amended. Care has been exercised to avoid the introduction of new matter. Indeed, adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the full paragraph appearing at page 18 of the written description of the specification and page 19 thereof, lines 1 through 18. Applicants submit that the present Amendment does not generate any new matter issue.

Claims 1 and 3 through 5 were rejected under 35 U.S.C. § 103 for obviousness predicated upon Roba in view of Jeskey.

In the statement of the rejection the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Roba's method by changing the gas flow rate to effect a temperature change in view of Jeskey. Alternatively, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Jeskey's method by varying the temperature to change the tension in view of Roba. This rejection is traversed.

Each of independent claims 1 and 3 through 5 requires changing not only a gas flow rate but also a gas composition of mixed gasses supplied to a periphery of the low end portion of the optical fiber preform in response to the measured glass draw tension to change the measured glass draw tension to a predetermined value, thereby changing the local chromatic dispersion along the longitudinal direction. No such concept is disclosed by either Roba or Jeskey.

As the Examiner appreciates, Roba does not contain any teaching or suggestion with regard to changing the gas flow, or composition for that matter, to effect a temperature change. The Examiner relied upon Jeskey for an asserted change in gas flow rate to effect a temperature change. However, neither of the applied references, including Jeskey, discloses or suggests the concept of changing the gas composition of mixed gases flowing around the lower end portion of the optical fiber preform, as in the claimed invention. This manipulative step is significant because by changing the gas composition of mixed gasses, the thermal conductivity and specific heat of the mixed gasses change, thereby changing the heat transfer from the lower end portion of the optical fiber preform.

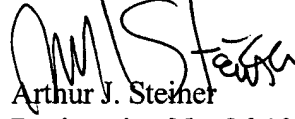
Based upon the foregoing it should be apparent that even **if** the applied references are combined as suggested by the Examiner, and Applicants do not agree that the requisite fact-based motivation has been established, the claimed invention would **not** result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). Applicants, therefore, submit that the imposed rejection of claims 1 and 3 through 5 under 35 U.S.C. § 103 for obviousness predicated upon Roba in view of Jeskey is not viable and, hence, solicit withdrawal thereof.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Application No.: 09/734,205

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'A. J. Steiner', is written over the printed name.

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Date: November 18, 2004